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Minutes of the Regular Meeting of the Brown's Creek Watershed District Board of Managers, February 11, 2008

WCD Offices, 1380 W. Frontage Road, Hwy. 36
Stillwater, MN 55082

APPROVED

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ROLL CALL

Managers Present:	Others Present:
Craig Leiser, President	Karen Kill, Administrator
Rick Vanzwol, Vice-President	Debbie Meister, Recorder
Connie Taillon, Treasurer	Pat Conrad, EOR
Gerald Johnson, Secretary	Louis Smith, Smith Partners
Gail Pundsack, <i>arrived 6:54 p.m.</i>	Andy Weaver, Stillwater High School
	Abby Williams, Stillwater High School
	Wendy Griffin, Washington Conservation District
	Jay Riggs, Washington Conservation District
	Jay Michels, EOR
	Paula Guetter, EOR
	David Reed, David Scott Homes Development

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- 1. Call Regular Meeting to order @ 6:30 PM**
President Leiser called the Regular Meeting to order at 6:35 PM.
- 2. Approve Regular Meeting Agenda and Discussion Agenda**
Manager Johnson, seconded by Manager Taillon, moved to approve the agenda and discussion agenda. Vote 4/0/0/1.
- 3. Public Comments**
No public comments.
- 4. Volunteer Stream Monitoring Presentation**
For the past 10+ years, Stillwater High School has received funding from the BCWD for stream monitoring. Collection is done two times per year at two sites. For a senior Advanced Placement project, Abby Williams summarized the data from 1998-fall 2007 finding the overall richness—number of species—has increased by about 4 EPT, but the intolerant species has decreased by 0.2. The FBI average has not changed. Her

1 hypotheses for the changes were: there is a change in water temperature because of
2 increased housing development and runoff; EPT macroinvertebrates are being eaten by
3 the trout, making room for hardier species; and/or there is increased competition among
4 the macroinvertebrates. Andy Weaver, biology teacher at Stillwater HS, thanked the
5 board for their support and President Leiser thanked Mr. Weaver and the students for
6 their work.
7

8 *Manager Pundsack arrived at 6:54 PM.*
9

10 **5. Approve Minutes of January 14, 2008 Regular Board Meeting – Board**
11 **Action**

12 **Manager Vanzwol, seconded by Manager Johnson, moved to approve the minutes of**
13 **the January 14, 2008 regular Board Meeting as amended. Vote 5-0.**
14

15 **6. Treasurer’s Report**

16 **a) Review Authorized Funds Spreadsheet**

17 Administrator Kill is working to get the final 2007 budget and carryover numbers and
18 will have a finalized spreadsheet in March.
19

20 **b) Current Items Payable—Board Action**

21 **Manager Taillon, seconded by Manager Johnson, moved to pay bills as presented in**
22 **the amount of \$42,849.39. Roll call vote 5/0.**
23

24 **c) Permit Fee Statements Review**

25 Administrator Kill reported that bills and notification of fee changes were sent to all
26 permittees. Manager Vanzwol requested an annual summary and year-to-date summaries
27 of exempt fees for budgeting purposes.
28

29 **7. Permit/Rules**

30 **a) BCWD Permit #07-36 David Scott Homes – Violation Hearing – Board**
31 **Action**

32 Proceedings of the violation hearing were recorded. Paula Guetter, District Inspector
33 gave a history of the site. Field inspections, beginning in November 2007, found the
34 David Scott Homes site deficient in perimeter protection. BCWD sent a Notice of
35 Probable Violation to David Reed, president of David Scott Homes, requesting
36 compliance by 2/4/08. As of 2/11/08, the site is not in compliance and construction
37 work is proceeding. In addition to Paula Guetter’s regular and follow-up inspections, Jay
38 Michels (EOR and certified erosion control inspector) inspected the site and indicated
39 that a berm or mulch sock is needed in the northeast corner to prevent erosion and
40 sedimentation. Mr. Michels also noted the site lacks temporary and permanent cover and
41 reminded not to allow subcontractors to park on the front lawn.
42

43 David Reed was present representing David Scott Homes. Mr. Reed stated that he took
44 the section of silt fence down to access the property with equipment and did not replace
45 the silt fence because he felt the adjacent property is two feet higher. Mr. Michels
46 showed Mr. Reed where the silt fence is in danger of blowing out and potential winter
47 solutions.

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2 **Manager Vanzwol, seconded by Manager Johnson, moved to give Mr. Reed until**
3 **noon on Monday, February 18, 2008, or at the discretion of the District engineer due**
4 **to natural weather occurrences impeding compliance, to bring the David Scott**
5 **Homes property into compliance with our engineer's recommendation to install a**
6 **perimeter control for the northeast corner of the lot and if the property is not in**
7 **compliance, a stop order will be issued Tuesday, February 19, 2008. Vote 5/0.**
8

9 President Leiser invited Mr. Reed or other Sanctuary builders to bring their general
10 inspection concerns to the Board during public comments.
11

12 **Recess at 8:55 - 9:03 PM**

13
14 **8. Projects/Programs**

15 a) **Long Lake Draw Down Scope—Board Action**

16 Pat Conrad reviewed the Long Lake draw down scope with the Board. It was noted that
17 the lab work associated with the soil desiccation and rewetting study will take the most
18 time and an EAW will be needed after the feasibility study. The managers agreed it will
19 be important to have stakeholder input and buy-in from lakeshore residents.
20

21 **Manager Vanzwol, seconded by Manager Taillon, moved to authorize EOR to go**
22 **forward with the Long Lake drawdown feasibility study not to exceed \$44,600 from**
23 **Account 929-0002 and provide projected costs of the drawdown as an additional**
24 **deliverable in Task 1. Vote 5-0.**
25

26 b) **Benz Lake Management Plan Scope—Board Action**

27 Pat Conrad, EOR, reviewed the Benz Lake Management Plan scope with the Board.
28 BCWD has been monitoring Benz Lake since 2005. An active lake group has undertaken
29 some sampling and management activities. It is assumed there are some nutrient issues
30 based on feedlot and grazing. There is \$20,000 in the 2008 budget for the development of
31 a management plan.
32

33 **Manager Vanzwol, seconded by Manager Johnson, moved to approve EOR to**
34 **develop the Benz Lake Management Plan for an amount not to exceed \$18,000 from**
35 **account 931-0000. Vote 5-0.**
36

37 c) **Land Conservation Program—MLCCS Data Presentation & Program**
38 **Development Introduction**

39 Jay Riggs, WCD, outlined six key steps for implementing a land conservation program.
40 Next steps could include learning from other programs, setting a timeline, coordinating
41 with LGUs and the Washington County Water Consortium as Comp Plans are being
42 developed, developing criteria for the Natural Resource Assessment (NRA), applying the
43 NRA to MLCCS, developing funding mechanisms and finalizing and promoting the
44 implementation program. The managers asked Mr. Riggs to put an agenda together for
45 the next steps with the intent of having a strategy in place before the 2009 budget process
46 begins.
47

1 **9. Old Business**

2 a) **Administrator Leave—Update on Preparation**

3 Administrator Kill outlined coverage for her leave. A work plan is in place, four hours
4 have been budgeted for Manager Pundsack to conduct an audit exit interview, Jay Riggs
5 will be the acting administrator and main contact person, the Annual Report will be on
6 next month's agenda, audit info is going to the auditor, CAC meetings are scheduled,
7 Paula Guetter will be providing journal updates and permit billing and Camilla Correll
8 will be helping with permits and groundwater issues.
9

10 b) **Stormwater Auditor Grant**

11 BCWD and Middle St. Croix WMO received a joint grant from the Clean Water Legacy
12 fund for a Stormwater Audit Program. Stormwater audits will provide property owners
13 with a checklist and tools for managing stormwater runoff on individual properties.
14 BCWD pledged \$5000 in matching funds. It was noted that a grant extension might be
15 needed to complete all the audits.
16

17 **Manager Vanzwol, seconded by Manager Johnson, moved to authorize previously**
18 **budgeted expenditures of \$5000 for the stormwater audit program from account**
19 **910-0000. Vote 5-0.**
20

21 **10. New Business**

22 a) **Legal Services Contract 2008-2009 — Board Action**

23 **President Leiser, seconded by Manager Johnson, moved pursuant to the proposal**
24 **before the Board that Smith Partners P.L.L.P. be selected as the legal consultant**
25 **effective from February 28, 2008 to February 28, 2009 and enter into a contract for**
26 **legal services for that time period. Vote 5-0.**
27

28 b) **MECA Conference – Approve Administrator and District Inspector**
29 **Attendance — Board Action**

30 **President Leiser, second by Manager Vanzwol, moved to authorize coverage of**
31 **MECA Conference fees for the administrator, the inspector and any board**
32 **members who choose to attend. Vote 5-0.**
33
34

35 c) **MAWD Legislative Breakfast March 13, 2008 – Board Action**

36 **Manager Vanzwol, seconded by Manager Johnson, moved to fund the administrator**
37 **and any board members wishing to attend. Vote 5-0.**
38

39 **11. Discussion**

40 a) **Permit Review—Current Inspection Update**

41 b) **Project Review and Updates**

- 42 • **Brown's Creek TMDL – CAC Meeting/public Input Process February 20,**
- 43 **7-9 PM**
- 44
- 45
- 46

- 1 • **Brown's Creek WD Rules Training Scheduled: March 12, 1-4 PM at the**
2 **Stillwater Library**
3 Administrator Kill mentioned that calls are being made to city staff and
4 managers are welcome to attend.
5 • **Buffer Brochure/Buffer GIS Database**
6 A targeted mailing will be sent to those with easements and in buffer areas.
7
8 • **Water Consortium Update—Comprehensive Planning**
9
10 • **Jackson WMA Update**
11 Administrator Kill stated that no one has come forward to purchase the
12 property and there is time to assess maintenance costs, have legal counsel
13 review current easements and deed restrictions and have the insurance agent
14 assess insurance costs.
15
16 c) **Communications and Reports**
17 d) **March 2008 Board Agenda**

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19 **12. Adjournment**
20 **Manager Vanzwol, seconded by Manager Taillon, moved to adjourn at 9:31 PM.**
21 **Vote 5-0.**
22

23 Respectfully Submitted by
24 Debbie Meister, Recorder